

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GOVERNMENT OF GUAM)	CASE NO. 1:13-cv-1165
RETIREMENT FUND, <i>et al.</i> ,)	
)	
)	JUDGE CHRISTOPHER A. BOYKO
Plaintiff,)	
)	
v.)	JOINT PROPOSED SCHEDULE FOR
)	CLASS CERTIFICATION
INVACARE CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	
)	

Pursuant to the Court's December 9, 2014 Order [ECF No. 63], the parties respectfully submit this Joint Proposed Schedule For Class Certification. The parties met and conferred telephonically on December 10, 2014. The conference was attended by (a) Benjamin Galdston and David Kaplan of Bernstein Litowitz Berger & Grossmann LLP, counsel for Lead Plaintiff Government of Guam Retirement Fund and Court-appointed Lead Counsel for the proposed Class; and (b) Mitchell G. Blair and Fritz E. Berckmueller of Calfee, Halter & Griswold LLP, counsel for defendants Invacare Corporation ("Invacare" or the "Company"), Gerald B. Blouch, and A. Malachi Mixon, III (collectively, "Defendants"). The parties addressed the following matters during the conference: discovery necessary in advance of submission of a class certification motion; dates for the class certification motion, opposition and reply; class certification deadlines; expert discovery deadlines; dates for *Daubert* motions, oppositions and replies; and potential dates for hearings on class certification and *Daubert* motions. The results of the meet and confer regarding each of these matters are set forth below.

With respect to what discovery is necessary in advance of submission of a class certification motion, Lead Plaintiff has identified to Defendants selected requests for documents and information from Lead Plaintiff's previously-served discovery requests that it believes are relevant, in whole or in part, to class certification issues. This includes discovery requests that Lead Plaintiff believes concern certain Rule 23 requisites (*e.g.*, numerosity, commonality, typicality, and predominance) and, in particular, the efficiency of the market for Invacare stock and the applicability of the fraud-on-the-market presumption of reliance, and Defendants' anticipated challenges thereto. The parties are currently meeting and conferring regarding this subset of discovery requests and Defendants' anticipated responses and productions, in an effort to expedite the submission and determination of the class certification motion. The remainder of the issues identified in the Court's Order are addressed below:

JOINT PROPOSED SCHEDULE FOR CLASS CERTIFICATION	
Date	Event
Dec. 9, 2014	Class Discovery Commences per Order [ECF No. 63]
Dec. 30, 2014	Lead Plaintiff to Identify Expert(s) and Subject Matters for Expert Testimony
Jan. 30, 2015	Lead Plaintiff to File Motion for Class Certification and Submit Expert Report(s)
Feb. 27, 2015	Defendants to Identify Expert(s) and Subject Matters for Expert Testimony
Mar. 27, 2015	Defendants to File Opposition to Class Certification and Submit Expert Report(s)
May 22, 2015	Lead Plaintiff to File Reply in Support of Class Certification, and Parties to Complete Fact Discovery related to Class Certification
June 12, 2015	Parties to File <i>Daubert</i> Motions

Date	Event
July 10, 2015	Parties to File <i>Daubert</i> Oppositions
July 24, 2015	Parties to File Replies in Support of <i>Daubert</i> Motions, and Parties to Complete Expert Discovery Related To Class Certification
Aug. 21, 2015 (or a date at the Court's next convenience)	Hearing on Class Certification and <i>Daubert</i> Motions

Dated: December 12, 2014

Respectfully Submitted,

<u>/s/ Fritz E. Berckmueller</u> MITCHELL G. BLAIR (0010892) FRITZ E. BERCKMUELLER (0081530) ERIC S. ZELL (0084318) CALFEE, HALTER & GRISWOLD LLP The Calfee Building 1405 East Sixth Street Cleveland, OH 44114 Telephone: (216) 622-8200 Fax: (216) 241-0816 mblair@calfee.com fberckmueller@calfee.com ezell@calfee.com Attorneys for Defendants, Invacare Corporation, Gerald B. Blouch, and A. Malachi Mixon, III	<u>/s/ Benjamin Galdston</u> Blair A. Nicholas (admitted <i>Pro Hac Vice</i>) Benjamin Galdston (admitted <i>Pro Hac Vice</i>) David R. Kaplan (admitted <i>Pro Hac Vice</i>) Lucas E. Gilmore (admitted <i>Pro Hac Vice</i>) BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP 12481 High Bluff Drive, Suite 300 San Diego, California 92130 Telephone: (858) 793-0070 Facsimile: (858) 793-0323 Counsel for Lead Plaintiff Government of Guam Retirement Fund and Lead Counsel for the Class -and- John R. Climaco (0011456) Scott D. Simpkins (0066775) CLIMACO, WILCOX, PECA, TARANTINO & GAROFOLI CO., LPA 55 Public Square, Suite 1950 Cleveland, Ohio 44113 Telephone: (216) 621-8484 Facsimile: (216) 771-1632 Local Counsel for Lead Plaintiff Government of Guam Retirement Fund
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on December 12, 2014. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Fritz E. Berckmueller
*One of the Attorneys for Defendants, Invacare Corporation, Gerald B. Blouch, and A. Malachi
Mixon, III*